

AMENDED IN ASSEMBLY MARCH 22, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2320

Introduced by Assembly Member Swanson

February 19, 2010

An act to amend Sections ~~47605, 47605.8, and 47607~~ of, and to add Section ~~47604.1~~ to, *47605 and 47605.8* of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2320, as amended, Swanson. Charter schools: accountability.

(1) The Charter Schools Act of 1992 (Charter Schools Act) authorizes any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals. The act prohibits the governing board of a school district from denying a charter petition unless it makes one of several specified written factual findings, including, among others, that the petition does not contain reasonably comprehensive descriptions of several specified items.

This bill would add various items to that list requiring reasonably comprehensive descriptions, as specified.

(2) The Charter Schools Act allows a charter petitioner to ~~appeal the denial of~~ *submit* a charter petition *that was denied* by the governing board of a school district to the county board of education. If the county board *then* denies the petition ~~on appeal~~, the act allows the petitioner to ~~appeal that denial~~ *submit the petition* to the State Board of Education.

This bill would delete that authority to ~~appeal a denial~~ *submit a petition* to the state board; and instead *expressly* prohibit a petitioner

from ~~electing to submit~~ *submitting* a petition to the state board if *upon a denial* by the county board of education ~~denies the petition on appeal~~. The bill also would make conforming changes.

(3) The Charter Schools Act authorizes the state board to approve a petition to operate a state charter school that may operate at multiple sites throughout the state.

This bill would limit that approval authority to petitions to operate a state charter school that will operate in partnership with any of several specified entities.

~~(4) The Charter Schools Act limits the duration of charters to a period not to exceed 5 years and authorizes the chartering authority to grant one or more subsequent renewals for an additional period of 5 years. The act specifies the criteria a charter school is required to meet in order to receive a renewal of its charter.~~

~~This bill, in addition, would require a chartering authority, prior to granting a renewal, to make a positive finding of fact that the charter school has achieved a racial and ethnic balance among its pupils, and a balance of high-needs pupils, as defined, that is reflective of the general population residing within the territorial jurisdiction of the school district in which the charter school is located.~~

~~(5) The Charter Schools Act provides that a charter school is subject to specified statutes relating to charter schools and to the provisions set forth in its charter, but is otherwise exempt from the laws governing school districts, except as specified.~~

~~This bill would expressly state that charter schools are subject to the Ralph M. Brown Act, except as specified, the California Public Records Act, statutory provisions that prohibit specified public officials from engaging in certain activities that represent a conflict of interest, the Political Reform Act of 1974. The bill also would expressly authorize an individual to serve as a member of the governing body of a charter school and be employed in a separate position at that school. The bill would require a member of the governing body of a charter school to abstain from voting on any matter affecting his or her own employment or any personnel matter that uniquely affects a relative of the member.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 47604.1 is added to the Education Code,~~
2 ~~to read:~~

3 ~~47604.1. (a) A charter school is subject to all of the following:~~
4 ~~(1) The Ralph M. Brown Act (Chapter 9 (commencing with~~
5 ~~Section 54950) of Part 1 of Division 2 of Title 5 of the Government~~
6 ~~Code), except that a charter school operated by an entity governed~~
7 ~~by the Bagley-Keene Open Meeting Act (Article 9 (commencing~~
8 ~~with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title~~
9 ~~2 of the Government Code) is subject to the Bagley-Keene Open~~
10 ~~Meeting Act.~~

11 ~~(2) The California Public Records Act (Chapter 3.5~~
12 ~~(commencing with Section 6250) of Division 7 of Title 1 of the~~
13 ~~Government Code).~~

14 ~~(3) Article 4 (commencing with Section 1090) of Chapter 1 of~~
15 ~~Division 4 of Title 1 of the Government Code.~~

16 ~~(4) The Political Reform Act of 1974 (Title 9 (commencing~~
17 ~~with Section 81000) of the Government Code).~~

18 ~~(b) Notwithstanding Section 1090 of the Government Code or~~
19 ~~any other provision of law, an individual may serve as a member~~
20 ~~of the governing body of a charter school and be employed in a~~
21 ~~separate position at that charter school. A member of the governing~~
22 ~~body of a charter school shall abstain from voting on all matters~~
23 ~~affecting his or her own employment.~~

24 ~~(c) A member of the governing body of a charter school shall~~
25 ~~abstain from voting on personnel matters that uniquely affect a~~
26 ~~relative of the member, but may vote on collective bargaining~~
27 ~~agreements and personnel matters that affect a class of employees~~
28 ~~to which the relative belongs. For purposes of this section,~~
29 ~~“relative” means an adult who is related to the person by blood or~~
30 ~~affinity within the third degree, as determined by the common law;~~
31 ~~or an individual in an adoptive relationship within the third degree.~~

32 ~~(d) A person who is disqualified by the California Constitution~~
33 ~~or laws of the state from holding a civil office shall not serve on~~
34 ~~the governing body of a charter school.~~

35 ~~SEC. 2.~~

36 ~~SECTION 1. Section 47605 of the Education Code is amended~~
37 ~~to read:~~

1 47605. (a) (1) Except as set forth in paragraph (2), a petition
2 for the establishment of a charter school within a school district
3 may be circulated by one or more persons seeking to establish the
4 charter school. A petition for the establishment of a charter school
5 shall identify a single charter school that will operate within the
6 geographic boundaries of that school district. A charter school
7 may propose to operate at multiple sites within the school district,
8 as long as each location is identified in the charter school petition.
9 The petition may be submitted to the governing board of the school
10 district for review after either of the following conditions are met:

11 (A) The petition has been signed by a number of parents or legal
12 guardians of pupils that is equivalent to at least one-half of the
13 number of pupils that the charter school estimates will enroll in
14 the school for its first year of operation.

15 (B) The petition has been signed by a number of teachers that
16 is equivalent to at least one-half of the number of teachers that the
17 charter school estimates will be employed at the school during its
18 first year of operation.

19 (2) A petition that proposes to convert an existing public school
20 to a charter school that would not be eligible for a loan pursuant
21 to subdivision (b) of Section 41365 may be circulated by one or
22 more persons seeking to establish the charter school. The petition
23 may be submitted to the governing board of the school district for
24 review after the petition has been signed by not less than 50 percent
25 of the permanent status teachers currently employed at the public
26 school to be converted.

27 (3) A petition shall include a prominent statement that a
28 signature on the petition means that the parent or legal guardian
29 is meaningfully interested in having his or her child or ward attend
30 the charter school, or in the case of a teacher's signature, means
31 that the teacher is meaningfully interested in teaching at the charter
32 school. The proposed charter shall be attached to the petition.

33 (4) After receiving approval of its petition, a charter school that
34 proposes to establish operations at one or more additional sites
35 shall request a material revision to its charter and shall notify the
36 authority that granted its charter of those additional locations. The
37 authority that granted its charter shall consider whether to approve
38 those additional locations at an open, public meeting. If the
39 additional locations are approved, they shall be a material revision
40 to the charter school's charter.

1 (5) A charter school that is unable to locate within the
2 jurisdiction of the chartering school district may establish one site
3 outside the boundaries of the school district, but within the county
4 in which that school district is located, if the school district within
5 the jurisdiction of which the charter school proposes to operate is
6 notified in advance of the charter petition approval, the county
7 superintendent of schools and the Superintendent are notified of
8 the location of the charter school before it commences operations,
9 and either of the following circumstances exist:

10 (A) The school has attempted to locate a single site or facility
11 to house the entire program, but a site or facility is unavailable in
12 the area in which the school chooses to locate.

13 (B) The site is needed for temporary use during a construction
14 or expansion project.

15 (6) Commencing January 1, 2003, a petition to establish a charter
16 school may not be approved to serve pupils in a grade level that
17 is not served by the school district of the governing board
18 considering the petition, unless the petition proposes to serve pupils
19 in all of the grade levels served by that school district.

20 (b) No later than 30 days after receiving a petition, in accordance
21 with subdivision (a), the governing board of the school district
22 shall hold a public hearing on the provisions of the charter, at
23 which time the governing board of the school district shall consider
24 the level of support for the petition by teachers employed by the
25 district, other employees of the district, and parents. Following
26 review of the petition and the public hearing, the governing board
27 of the school district shall either grant or deny the charter within
28 60 days of receipt of the petition, provided, however, that the date
29 may be extended by an additional 30 days if both parties agree to
30 the extension. In reviewing petitions for the establishment of
31 charter schools pursuant to this section, the chartering authority
32 shall be guided by the intent of the Legislature that charter schools
33 are and should become an integral part of the California educational
34 system and that establishment of charter schools should be
35 encouraged. The governing board of the school district shall grant
36 a charter for the operation of a school under this part if it is satisfied
37 that granting the charter is consistent with sound educational
38 practice. The governing board of the school district shall not deny
39 a petition for the establishment of a charter school unless it makes
40 written factual findings, specific to the particular petition, setting

1 forth specific facts to support one or more of the following
2 findings:

3 (1) The charter school presents an unsound educational program
4 for the pupils to be enrolled in the charter school.

5 (2) The petitioners are demonstrably unlikely to successfully
6 implement the program set forth in the petition.

7 (3) The petition does not contain the number of signatures
8 required by subdivision (a).

9 (4) The petition does not contain an affirmation of each of the
10 conditions described in subdivision (d).

11 (5) The petition does not contain reasonably comprehensive
12 descriptions of all of the following:

13 (A) (i) A description of the educational program of the school,
14 designed, among other things, to identify those whom the school
15 is attempting to educate, what it means to be an “educated person”
16 in the 21st century, and how learning best occurs. The goals
17 identified in that program shall include the objective of enabling
18 pupils to become self-motivated, competent, and lifelong learners.

19 (ii) If the proposed school will serve high school pupils, a
20 description of the manner in which the charter school will inform
21 parents about the transferability of courses to other public high
22 schools and the eligibility of courses to meet college entrance
23 requirements. Courses offered by the charter school that are
24 accredited by the Western Association of Schools and Colleges
25 may be considered transferable and courses approved by the
26 University of California or the California State University as
27 creditable under the “A” to “G” admissions criteria may be
28 considered to meet college entrance requirements.

29 (iii) A detailed description of the different and innovative
30 teaching methods the school will use.

31 (iv) How the implementation of the items described in clauses
32 (i) to (iii), inclusive, will provide vigorous competition within the
33 public school system to stimulate continual improvements in all
34 public schools.

35 (B) The measurable pupil outcomes identified for use by the
36 charter school. “Pupil outcomes,” for purposes of this part, means
37 the extent to which all pupils of the school demonstrate that they
38 have attained the skills, knowledge, and attitudes specified as goals
39 in the school’s educational program.

1 (C) The method by which pupil progress in meeting those pupil
2 outcomes is to be measured.

3 (D) The governance structure of the school, including, but not
4 limited to, the process to be followed by the school to ensure
5 parental involvement and how that governance structure will create
6 new professional opportunities for teachers, including the
7 opportunity to be responsible for the learning program at the
8 schoolsite.

9 (E) The qualifications to be met by individuals to be employed
10 by the school.

11 (F) The procedures that the school will follow to ensure the
12 health and safety of pupils and staff. These procedures shall include
13 the requirement that each employee of the school furnish the school
14 with a criminal record summary as described in Section 44237.

15 (G) The means by which the school will achieve a racial and
16 ethnic balance among its pupils, and a balance of pupils who
17 receive free and reduced-price lunches, are English language
18 learners, or are individuals with exceptional needs, that is reflective
19 of the general population residing within the territorial jurisdiction
20 of the school district to which the charter petition is submitted.

21 (H) Admission requirements, if applicable.

22 (I) The manner in which annual, independent financial audits
23 shall be conducted, which shall employ generally accepted
24 accounting principles, and the manner in which audit exceptions
25 and deficiencies shall be resolved to the satisfaction of the
26 chartering authority.

27 (J) The procedures by which pupils can be suspended or
28 expelled.

29 (K) The manner by which staff members of the charter schools
30 will be covered by the State Teachers' Retirement System, the
31 Public Employees' Retirement System, or federal social security.

32 (L) The public school attendance alternatives for pupils residing
33 within the school district who choose not to attend charter schools.

34 (M) A description of the rights of any employee of the school
35 district upon leaving the employment of the school district to work
36 in a charter school, and of any rights of return to the school district
37 after employment at a charter school.

38 (N) The procedures to be followed by the charter school and
39 the entity granting the charter to resolve disputes relating to
40 provisions of the charter.

1 (O) A declaration whether or not the charter school shall be
2 deemed the exclusive public school employer of the employees of
3 the charter school for the purposes of Chapter 10.7 (commencing
4 with Section 3540) of Division 4 of Title 1 of the Government
5 Code.

6 (P) A description of the procedures to be used if the charter
7 school closes. The procedures shall ensure a final audit of the
8 school to determine the disposition of all assets and liabilities of
9 the charter school, including plans for disposing of any net assets
10 and for the maintenance and transfer of pupil records.

11 (c) (1) Charter schools shall meet all statewide standards and
12 conduct the pupil assessments required pursuant to Sections 60605
13 and 60851 and any other statewide standards authorized in statute
14 or pupil assessments applicable to pupils in noncharter public
15 schools.

16 (2) Charter schools shall, on a regular basis, consult with their
17 parents, legal guardians, and teachers regarding the school's
18 educational programs.

19 (d) (1) In addition to any other requirement imposed under this
20 part, a charter school shall be nonsectarian in its programs,
21 admission policies, employment practices, and all other operations,
22 shall not charge tuition, and shall not discriminate against any
23 pupil on the basis of the characteristics listed in Section 220. Except
24 as provided in paragraph (2), admission to a charter school shall
25 not be determined according to the place of residence of the pupil,
26 or of his or her parent or legal guardian, within this state, except
27 that an existing public school converting partially or entirely to a
28 charter school under this part shall adopt and maintain a policy
29 giving admission preference to pupils who reside within the former
30 attendance area of that public school.

31 (2) (A) A charter school shall admit all pupils who wish to
32 attend the school.

33 (B) However, if the number of pupils who wish to attend the
34 charter school exceeds the school's capacity, attendance, except
35 for existing pupils of the charter school, shall be determined by a
36 public random drawing. Preference shall be extended to pupils
37 currently attending the charter school and pupils who reside in the
38 district except as provided for in Section 47614.5. Other
39 preferences may be permitted by the chartering authority on an
40 individual school basis and only if consistent with the law.

1 (C) In the event of a drawing, the chartering authority shall
2 make reasonable efforts to accommodate the growth of the charter
3 school, and in no event shall take any action to impede the charter
4 school from expanding enrollment to meet pupil demand.

5 (3) If a pupil is expelled or leaves the charter school without
6 graduating or completing the school year for any reason, the charter
7 school shall notify the superintendent of the school district of the
8 pupil's last known address within 30 days, and shall, upon request,
9 provide that school district with a copy of the cumulative record
10 of the pupil, including a transcript of grades or report card, and
11 health information. This paragraph applies only to pupils subject
12 to compulsory full-time education pursuant to Section 48200.

13 (e) The governing board of a school district shall not require
14 any employee of the school district to be employed in a charter
15 school.

16 (f) The governing board of a school district shall not require
17 any pupil enrolled in the school district to attend a charter school.

18 (g) The governing board of a school district shall require that
19 the petitioner or petitioners provide information regarding the
20 proposed operation and potential effects of the school, including,
21 but not limited to, the facilities to be utilized by the school, the
22 manner in which administrative services of the school are to be
23 provided, and potential civil liability effects, if any, upon the school
24 and upon the school district. The description of the facilities to be
25 used by the charter school shall specify where the school intends
26 to locate. The petitioner or petitioners shall also be required to
27 provide financial statements that include a proposed first-year
28 operational budget, including startup costs, and cashflow and
29 financial projections for the first three years of operation.

30 (h) In reviewing petitions for the establishment of charter
31 schools within the school district, the governing board of the school
32 district shall give preference to petitions that demonstrate the
33 capability to provide comprehensive learning experiences to pupils
34 identified by the petitioner or petitioners as academically low
35 achieving pursuant to the standards established by the department
36 under Section 54032, as it read prior to July 19, 2006.

37 (i) Upon the approval of the petition by the governing board of
38 the school district, the petitioner or petitioners shall provide written
39 notice of that approval, including a copy of the petition, to the

1 applicable county superintendent of schools, the department, and
2 the state board.

3 (j) (1) If the governing board of a school district denies a
4 petition, the petitioner may elect to submit the petition for the
5 establishment of a charter school to the county board of education.
6 The county board of education shall review the petition pursuant
7 to subdivision (b). A charter school that receives approval of its
8 petition from a county board of education on appeal shall be subject
9 to the same requirements concerning geographic location to which
10 it would otherwise be subject if it received approval from the
11 school district governing board to which it originally submitted
12 its petition. A charter petition that is submitted to a county board
13 of education shall meet all otherwise applicable petition
14 requirements, including the identification of the proposed site or
15 sites where the charter school will operate. If a county board of
16 education denies a petition submitted pursuant to this subdivision,
17 the petitioner ~~may not elect to~~ *shall not* submit the petition to the
18 state board.

19 (2) A charter school for which a charter is granted by the county
20 board of education based on an appeal pursuant to this subdivision
21 shall qualify fully as a charter school for all funding and other
22 purposes of this part.

23 (3) If the county board of education fails to act on a petition
24 within 120 days of receipt, the decision of the governing board of
25 the school district to deny a petition shall, thereafter, be subject to
26 judicial review.

27 (4) The state board shall adopt regulations implementing this
28 subdivision.

29 (5) Upon the approval of the petition by the county board of
30 education, the petitioner or petitioners shall provide written notice
31 of that approval, including a copy of the petition to the department
32 and the state board.

33 (k) Teachers in charter schools shall hold a Commission on
34 Teacher Credentialing certificate, permit, or other document
35 equivalent to that which a teacher in other public schools would
36 be required to hold. These documents shall be maintained on file
37 at the charter school and are subject to periodic inspection by the
38 chartering authority. It is the intent of the Legislature that charter
39 schools be given flexibility with regard to noncore, noncollege
40 preparatory courses.

(l) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to its chartering entity, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering entity, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering entity pursuant to Section 41020.

~~SEC. 3.~~

SEC. 2. Section 47605.8 of the Education Code is amended to read:

47605.8. (a) A petition for the operation of a state charter school may be submitted directly to the state board, and the state board shall have the authority to approve a charter for the operation of a state charter school that may operate at multiple sites throughout the state, provided that the charter school will operate in partnership with any of the entities described in Section 47612.1. The state board shall adopt regulations, pursuant to the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) for the implementation of this section. Regulations adopted pursuant to this section shall ensure that a charter school approved pursuant to this section meets all requirements otherwise imposed on charter schools pursuant to this part, except that a state charter school approved pursuant to this section shall not be subject to the geographic and site limitations otherwise imposed on charter schools. The petitioner shall submit a copy of the petition, for notification purposes, to the county superintendent of schools of each county in which the petitioner proposes to operate the state charter school. The petitioner also shall ensure that the governing board of each school district in which a site is proposed to be located is notified no later than 120 days prior to the commencement of instruction at each site, as applicable.

(b) The state board shall not approve a petition for the operation of a state charter school pursuant to this section unless the state board makes a finding, based on substantial evidence, that the proposed state charter school will provide instructional services of statewide benefit that cannot be provided by a charter school

1 operating in only one school district, or only in one county. The
2 finding of the state board in this regard shall be made part of the
3 public record of the proceedings of the state board and shall precede
4 the approval of the charter.

5 (c) The state board, as a condition of charter petition approval,
6 may enter into an agreement with a third party, at the expense of
7 the charter school, to oversee, monitor, and report on, the
8 operations of the state charter school. The state board may prescribe
9 the aspects of the operations of the state charter school to be
10 monitored by the third party, and may prescribe appropriate
11 requirements regarding the reporting of information concerning
12 the operations of the state charter school to the state board.

13 (d) The state board shall not be required to approve a petition
14 for the operation of a state charter school, and may deny approval
15 based on any of the reasons set forth in subdivision (b) of Section
16 47605.6.

17 ~~SEC. 4. Section 47607 of the Education Code is amended to~~
18 ~~read:~~

19 ~~47607. (a) (1) A charter may be granted pursuant to Sections~~
20 ~~47605, 47605.5, and 47606 for a period not to exceed five years.~~
21 ~~A charter granted by a school district governing board, a county~~
22 ~~board of education or the state board, may be granted one or more~~
23 ~~subsequent renewals by that entity. Each renewal shall be for a~~
24 ~~period of five years. A material revision of the provisions of a~~
25 ~~charter petition may be made only with the approval of the~~
26 ~~authority that granted the charter. The authority that granted the~~
27 ~~charter may inspect or observe any part of the charter school at~~
28 ~~any time.~~

29 ~~(2) Renewals and material revisions of charters are governed~~
30 ~~by the standards and criteria in Section 47605, and shall include,~~
31 ~~but not be limited to, a reasonably comprehensive description of~~
32 ~~any new requirement of charter schools enacted into law after the~~
33 ~~charter was originally granted or last renewed.~~

34 ~~(3) Prior to granting a renewal pursuant to this subdivision, a~~
35 ~~chartering authority shall make an affirmative finding that the~~
36 ~~charter school has achieved a racial and ethnic balance among its~~
37 ~~pupils, and a balance of pupils who receive free and reduced-price~~
38 ~~lunches, are English language learners, or are individuals with~~
39 ~~exceptional needs, that is reflective of the general population~~

1 ~~residing within the territorial jurisdiction of the school district in~~
2 ~~which the charter school is located.~~

3 ~~(b) Commencing on January 1, 2005, or after a charter school~~
4 ~~has been in operation for four years, whichever date occurs later,~~
5 ~~a charter school shall meet at least one of the following criteria~~
6 ~~prior to receiving a charter renewal pursuant to paragraph (1) of~~
7 ~~subdivision (a):~~

8 ~~(1) Attained its Academic Performance Index (API) growth~~
9 ~~target in the prior year or in two of the last three years, or in the~~
10 ~~aggregate for the prior three years.~~

11 ~~(2) Ranked in deciles 4 to 10, inclusive, on the API in the prior~~
12 ~~year or in two of the last three years.~~

13 ~~(3) Ranked in deciles 4 to 10, inclusive, on the API for a~~
14 ~~demographically comparable school in the prior year or in two of~~
15 ~~the last three years.~~

16 ~~(4) (A) The entity that granted the charter determines that the~~
17 ~~academic performance of the charter school is at least equal to the~~
18 ~~academic performance of the public schools that the charter school~~
19 ~~pupils would otherwise have been required to attend, as well as~~
20 ~~the academic performance of the schools in the school district in~~
21 ~~which the charter school is located, taking into account the~~
22 ~~composition of the pupil population that is served at the charter~~
23 ~~school.~~

24 ~~(B) The determination made pursuant to this paragraph shall be~~
25 ~~based upon all of the following:~~

26 ~~(i) Documented and clear and convincing data.~~

27 ~~(ii) Pupil achievement data from assessments, including, but~~
28 ~~not limited to, the Standardized Testing and Reporting Program~~
29 ~~established by Article 4 (commencing with Section 60640) of~~
30 ~~Chapter 5 of Part 33 for demographically similar pupil populations~~
31 ~~in the comparison schools.~~

32 ~~(iii) Information submitted by the charter school.~~

33 ~~(C) A chartering authority shall submit to the Superintendent~~
34 ~~copies of supporting documentation and a written summary of the~~
35 ~~basis for any determination made pursuant to this paragraph. The~~
36 ~~Superintendent shall review the materials and make~~
37 ~~recommendations to the chartering authority based on that review.~~
38 ~~The review may be the basis for a recommendation made pursuant~~
39 ~~to Section 47604.5.~~

~~(D) A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph.~~

~~(5) Has qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.~~

~~(e) A charter may be revoked by the authority that granted the charter under this chapter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:~~

~~(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.~~

~~(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.~~

~~(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.~~

~~(4) Violated any provision of law.~~

~~(d) Prior to revocation, the authority that granted the charter shall notify the charter public school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.~~

~~(e) Prior to revoking a charter for failure to remedy a violation pursuant to subdivision (d), and after expiration of the school's reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.~~

~~(f) (1) If a school district is the chartering authority and it revokes a charter pursuant to this section, the charter school may~~

1 ~~appeal the revocation to the county board of education within 30~~
2 ~~days following the final decision of the chartering authority.~~

3 ~~(2) The county board may reverse the revocation decision if the~~
4 ~~county board determines that the findings made by the chartering~~
5 ~~authority under subdivision (e) are not supported by substantial~~
6 ~~evidence. The school district may appeal the reversal to the state~~
7 ~~board.~~

8 ~~(3) If the county board does not issue a decision on the appeal~~
9 ~~within 90 days of receipt, or the county board upholds the~~
10 ~~revocation, the charter school may appeal the revocation to the~~
11 ~~state board.~~

12 ~~(4) The state board may reverse the revocation decision if the~~
13 ~~state board determines that the findings made by the chartering~~
14 ~~authority under subdivision (e) are not supported by substantial~~
15 ~~evidence. The state board may uphold the revocation decision of~~
16 ~~the school district if the state board determines that the findings~~
17 ~~made by the chartering authority under subdivision (e) are~~
18 ~~supported by substantial evidence.~~

19 ~~(g) (1) If a county office of education is the chartering authority~~
20 ~~and the county board revokes a charter pursuant to this section,~~
21 ~~the charter school may appeal the revocation to the state board~~
22 ~~within 30 days following the decision of the chartering authority.~~

23 ~~(2) The state board may reverse the revocation decision if the~~
24 ~~state board determines that the findings made by the chartering~~
25 ~~authority under subdivision (e) are not supported by substantial~~
26 ~~evidence.~~

27 ~~(h) If the revocation decision of the chartering authority is~~
28 ~~reversed on appeal, the agency that granted the charter shall~~
29 ~~continue to be regarded as the chartering authority.~~

30 ~~(i) During the pendency of an appeal filed under this section, a~~
31 ~~charter school, whose revocation proceedings are based on~~
32 ~~paragraph (1) or (2) of subdivision (e), shall continue to qualify~~
33 ~~as a charter school for funding and for all other purposes of this~~
34 ~~part, and may continue to hold all existing grants, resources, and~~
35 ~~facilities, in order to ensure that the education of pupils enrolled~~
36 ~~in the school is not disrupted.~~

37 ~~(j) Immediately following the decision of a county board to~~
38 ~~reverse a decision of a school district to revoke a charter, the~~
39 ~~following shall apply:~~

- 1 ~~(1) The charter school shall qualify as a charter school for~~
2 ~~funding and for all other purposes of this part.~~
3 ~~(2) The charter school may continue to hold all existing grants,~~
4 ~~resources, and facilities.~~
5 ~~(3) Any funding, grants, resources, and facilities that had been~~
6 ~~withheld from the charter school, or that the charter school had~~
7 ~~otherwise been deprived of use, as a result of the revocation of the~~
8 ~~charter shall be immediately reinstated or returned.~~
9 ~~(k) A final decision of a revocation or appeal of a revocation~~
10 ~~pursuant to subdivision (c) shall be reported to the chartering~~
11 ~~authority, the county board, and the department.~~